

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillee, Grant Sowell, Sybil Tribble, Laura §
VanOvershelde, and Elaine Vechorik §

Plaintiffs, §

v. §

Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

**PLAINTIFFS' RESPONSE TO REPUBLICAN PARTY OF
MISSISSIPPI'S MOTION FOR ATTORNEY FEES, EXPENSES AND COSTS**

TO THE HONORABLE DISTRICT COURT JUDGE:

Plaintiffs True the Vote, et. al. file this response to the Republican Party of Mississippi's ("RPM") Motion for Attorneys' Fees, Expenses, and Costs [Doc. 149] as follows:

**I.
RESPONSE**

The RPM's motion seeks fees as a prevailing party on summary judgment against Counts 1 and 2 brought by Plaintiffs under the National Voter Registration Act. (*See* Docs. 147, 149, 150). The Act, in its opening paragraphs stating Congress's findings and purpose for enacting the statute, states the Act was passed to protect the fundamental civil rights of United States citizens to engage in the electoral process, and to promote the integrity of the electoral process. Because this is a civil rights suit, by the statute's very language, Defendant can only be entitled to attorney fees if this suit was frivolous as a matter of law. But the RPM already filed and lost a motion for sanctions against Plaintiffs on the same facts, alleging the suit brought against them was frivolous. (*See* Docs. 67, 147). Thus the RPM has brought a motion before the Court that has already been asked and answered. Plaintiffs' suit has not been frivolous, and the Motion for Attorney fees should be denied.

**II.
RELIEF REQUESTED**

Plaintiffs therefore request that this Court enter an order denying an award of attorney fees to the Republican Party of Mississippi, and further request all other relief to which the Court finds them justly entitled.

Respectfully submitted,

/s/ L. Eades Hogue

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2014, this document has been filed and served on all parties who have appeared with the Court's e-file system in accordance with Federal Rules of Civil Procedure and the Court's Local Civil Rules. A copy has been mailed via U.S. mail to the Yazoo County, Mississippi Election Commission.

/s/ L. Eades Hogue